

POLE ACCESS REFORM IMMEDIATE ACTION = IMMEDIATE BENEFITS

Immediate reform of pole attachment access rules is a simple, concrete step that the Commission can take right now to increase broadband deployment.

The current regime allows pole owners to delay or prevent broadband deployment, including deployment in rural areas.

- A KDL customer cannot provide requested Gigabyte Ethernet WAN networks to three Kentucky school districts because KDL has been unable to get the pole access necessary to complete construction of the necessary fiber network. The relevant pole owners have typically taken *six months* to provide estimates for make ready work, and have delayed the start of make ready work for months after payment of make ready costs.
- In Virginia, KDL has been working since February 2008 to build the network necessary to provide a WAN network for a school district, and is still waiting for the pole owner to complete make ready work. As a result of this delay, the school district has not been able to conduct standardized testing online as it had hoped and planned to do.
- Another KDL customer planned to provide broadband to eleven rural communities in Indiana by 2007, and secured a loan from the United States Department of Agriculture Rural Utility Service to fund this deployment. As a result of make ready delays, only three of those eleven communities' networks have been built (a fourth is currently underway). As soon as the make ready work is completed in the remaining eight communities, KDL will coordinate the fiber installation for its customer. Until then, these rural communities will continue to be deprived of the 21st century technology and advanced services that they deserve and for which funds have already been allocated.
- It is not uncommon for a KDL or customer project to be delayed by *one or two years* simply because of make ready issues.

Reforms will make a measurable difference.

- Connecticut illustrates the dramatic effect of reasonable pole access rules. Connecticut permits boxing of poles, limiting the need for costly and time-consuming make ready work, and recently adopted firm deadlines for completing the pole licensing process. As a result, Fibertech has been able to deploy many more miles of fiber in its Connecticut markets – and has deployed fiber deep into rural areas of Connecticut.

- When its ongoing rural expansions is complete, Fibertech will have deployed over 1800 route miles of fiber in Connecticut.
- New York adopted pole access reforms in 2004 that set licensing deadlines and permit use of boxing and extension arms. Since those reforms were adopted, Fibertech's customer volume has skyrocketed.
 - From 2000-2004, Fibertech signed an average of 26 new customer contracts per year in New York. From 2005-2008, Fibertech signed an average of 185 new customer contracts per year.
- New York and Connecticut make ready is completed more quickly than in other states.
 - On average, it has taken pole owners 89 days in Connecticut and 100 days in New York to issue licenses for Fibertech applications filed since March 1, 2008.
 - Until Fibertech filed a complaint, in Montgomery County, Maryland, where pole access is regulated under FCC rules, Fibertech had to wait an average of **270 days** to complete the pole licensing process.
- New York and Connecticut reforms enable deployment in rural areas.
 - Fibertech's extensive Connecticut network reaches deep into rural western and central Connecticut, and will supported advanced 911 in those rural areas
 - Fibertech is currently implementing plans to add 350 route miles of fiber to connect five rural counties south of Rochester to Fibertech's existing Rochester network. Those five counties have an average population density of 105 persons per square mile.

Pole access is crucial to backhaul and middle mile broadband deployment.

- Cellular companies that use Fibertech for backhaul from cell sites ***save up to 90%*** over ILEC special access offerings.